Finding of No Significant Impact for the Environmental Assessment on the Gypsum Wash Debris Basin Rehabilitation Project

I. AGENCY ROLE AND RESPONSIBILITY – United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS)

In accordance with the USDA-NRCS regulations (7 CFR Part 650) implementing the National Environmental Policy Act (NEPA), USDA-NRCS has completed an environmental review of the following **proposed action**. The proposed action includes the rehabilitation of the Gypsum Wash Debris Basin located within the Warner Draw Watershed, Washington County, Utah.

II. USDA-NRCS DECISION TO BE MADE

As the delegated Responsible Federal Official for compliance with NEPA, I must make the following decision:

1. Issuance of a Compatible Use Authorization.

I must also determine if the agency's Preferred Alternative (Dam Rehabilitation Alternative) will or will not be a major Federal action significantly affecting the quality of the human environment. The Final Supplemental Watershed Plan No. 4 and Environmental Assessment (Plan-EA) accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the Preferred Alternative. The decision on which alternative is to be implemented and the significance of that alternative's impacts are under part VI of this finding.

III. PURPOSE AND NEED FOR ACTION

In accordance with the rehabilitation provisions of USDA-NRCS's Small Watersheds Program, Gypsum Wash Debris Basin is eligible for rehabilitation funding due to its high hazard class and outdated infrastructure.

The purpose and need of the project is to meet current USDA-NRCS and Utah State Dam Safety regulations and current engineering standards and to continue to provide current benefits for the authorized purposes of flood prevention and sediment retention. Stabilizing the existing dam structures would address the risk of loss-of-life and flooding associated with a dam failure because the dam is not meeting current safety criteria. The life of the debris basin would be extended for 100 years starting in 2016.

The structure has been classified as high hazard and has an estimated population at risk from flooding during the day of 143 people and 230 people during the night. The population at risk downstream of the dam includes approximately 3.3 square miles that extends from the debris basin to the Virgin River and consists of high residential areas with parks, schools and community structures, industrial/commercial areas, and other city infrastructure. An annual sedimentation rate of approximately 0.47 ac-ft of sediment is captured in the basin per year, preventing sediment from flowing into the downstream channel system and potentially causing blockage and property damage.

A full project description along with conceptual design plans, are included in the completed Final Plan-EA (January 2016) prepared by McMillen, LLC in coordination with USDA-NRCS, Washington County Flood Control Authority, and the Bureau of Land Management (BLM).

IV. ALTERNATIVES CONSIDERED IN THE FINAL PLAN-EA

Two alternatives were analyzed in the Final Plan-EA and are characterized as follows:

No Action – The No Action Alternative consists of the sponsor choosing to leave the dam "as-is." Under this alternative, however, the dam still must meet state dam safety requirements. The sponsors would receive a legal mandate to bring the structure up to meet current safety standards or to be removed so that it meets state dam safety requirements. Currently the structure is not meeting the following Utah State Dam Safety standards for a high hazard class dam: 1) discharge pipe minimum 30-inch diameter – the current discharge pipelines are 24 inches, and 2) 8-inch drainage pipe – the existing pipe has filled with sediment.

Rehabilitate Dam – This action alternative would rehabilitate the dam to meet current USDA-NRCS and Utah State Dam Safety regulations and engineering standards. Vegetation would be cleared in selected places in the debris basin to allow construction. The top of the dam would be graded to a level elevation and gravel would be installed on the dam crest for stability and to reduce erosion. The auxiliary spillway would be widened and the principal spillway pipes would be slip-lined. Boulders would be installed around the face of the dam on private property and stairs would be constructed to the top of the dam crest to reduce erosion on the dam embankments.

V. USDA-NRCS'S DECISION AND FACTORS CONSIDERED IN THE DECISIONS

Based on the evaluation in the Final Plan-EA, I have chosen to select the Dam Rehabilitation Alternative as USDA-NRCS's Preferred Alternative. I have taken into consideration all of the potential impacts of the proposed action, incorporated herein by reference from the Final Plan-EA, and balanced those impacts with considerations of USDA-NRCS's purpose and need for the action.

In accordance with the Council on Environmental Quality's (CEQ) "40 Most Asked Questions" guidance on NEPA, Question 37(a), USDA-NRCS has considered "which factors were weighed most heavily in the determination" when choosing USDA-NRCS's Preferred Alternative (Dam Rehabilitation Alternative) to implement. Specifically, I acknowledge that based on the Final Plan-EA, potential impacts to soil, water, air, plants, fish and wildlife, and human resources were heavily considered in the decision. As a result, USDA-NRCS's Preferred Alternative (Dam Rehabilitation Alternative) would result in an overall net beneficial impact to the human environment based on all factors considered. USDA-NRCS has preliminarily determined, based upon the evaluation of impacts in the Final Plan-EA for rehabilitating Gypsum Wash Debris Basin, attached hereto and made a part hereof, and for the reasons provided below, that there will be no significant individual or cumulative impacts on the quality of the human environment as a result of implementing the Gypsum Wash Debris Basin Rehabilitation project as authorized by Section 216 of the Flood Control Act of 1950, Public Law 81–516, 33 U.S.C. 701b–1; and Section 403 of the Agricultural Credit Act of 1978, Public Law 95–334, as amended by Section 382, of the Federal Agriculture Improvement and Reform Act of 1996, Public Law 104–127, 16 U.S.C. 2203 of the SWP; particularly when focusing on the significant adverse impacts which the NEPA is intended to help decision makers avoid and mitigate against.

VI. FINDING OF NO SIGNIFICANT IMPACT

To determine the significance of the action analyzed in the Final Plan-EA, USDA-NRCS is required by NEPA Regulations at 40 CFR Section 1508.27 and USDA-NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the proposed action. Based on the Final Plan-EA, review of the NEPA criteria for significant effects, and based on the analysis in the Final Plan-EA, I have determined

that the action to be selected, Preferred Alternative (Dam Rehabilitation Alternative), would not have a significant effect upon the quality of the human environment. Therefore, preparation of an environmental impact statement (EIS) on the proposed action is not required under section 102(2) (c) of the NEPA, CEQ implementing regulations (40 CFR Part 1500-1508, Section 1508.13), or USDA-NRCS environmental review procedures (7 CFR Part 650). This finding is based on the following factors from CEQ's implementing regulations at 40 CFR Section 1508.27 and from USDA-NRCS regulations at 7 CFR Part 650:

1) The Final Plan-EA evaluated both beneficial and adverse impacts of the proposed action. It is anticipated the proposed action will result in long-term beneficial impacts for environmental resources (i.e. soil, air, water, animals, plants, and human resources). As a result of the analysis (discussed in detail in Chapter 4.0 of the Final Plan-EA and incorporated by reference), the Dam Rehabilitation Alternative does not result in significant impacts to the human environment, particularly when focusing on the significant adverse impacts which NEPA is intended to help decision makers avoid, minimize, or mitigate.
2) The Dam Rehabilitation Alternative does not significantly affect public health or safety. The indirect effects associated with the implementation of the rehabilitation are in fact anticipated to provide long-term beneficial impacts to improve natural ecosystem functions. Specifically, soil, water, air, fish and wildlife, plants, and cultural issues will be improved and protected through selection of the Dam Rehabilitation Alternative.
3) As analyzed in Chapter 4.0 of the Final Plan-EA, there are no anticipated significant effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas from selection of the Dam Rehabilitation Alternative. USDA-NRCS regulations (7 CFR Part 650) and policy (Title 420, General Manual, Part 401), require that USDA-NRCS identify, assess, and avoid effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, and ecologically critical areas. In accordance with these requirements, it is not anticipated that implementing the Dam Rehabilitation Alternative would have adverse effects on these resources. On the contrary, the Dam Rehabilitation Alternative is expected to reduce environmental risks associated with past, present, and future restoration actions in the vicinity of the proposed action.
4) The effects on the human environment are not considered controversial for the Dam Rehabilitation Alternative. There are no impacts associated with the proposed action that would be considered to be controversial. Two locally advertised public meetings were held and only one individual submitted a comment which was reviewed and not considered controversial. An EIS is therefore not required.
5) The Dam Rehabilitation Alternative is not considered highly uncertain and does not involve unique or unknown risks.
6) The Dam Rehabilitation Alternative will not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about future considerations. The proposed action will be carried out for the Gypsum Wash Debris Basin Rehabilitation project only. Other projects not discussed in the Final Plan-EA will be required to undergo NEPA analysis individually.
7) Particularly when focusing on the significant adverse impacts which NEPA is intended to help decision makers avoid, minimize, or mitigate, the Dam Rehabilitation Alternative does not result in significant adverse cumulative impacts to the human environment as discussed in Chapter 4.0 of the Final Plan-EA. The Dam Rehabilitation Alternative is, however, anticipated to result in beneficial long-term impacts as a result of implementation of the repairs and modifications to the structures.
8) The Dam Rehabilitation Alternative will not cause the loss or destruction of significant scientific, cultural, or historical resources as addressed in Chapter 4.0 of the Final Plan-EA. USDA-NRCS follows the procedures developed in accordance with a nationwide programmatic agreement

between USDA-NRCS, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers, which called for USDA-NRCS to develop consultation agreements with State historic preservation officers and federally recognized Tribes (or their designated Tribal historic preservation officers). These consultation agreements focus historic preservation reviews on resources and locations that are of special regional concern to these parties. The Dam Rehabilitation Alternative will result in no adverse effects to cultural or historical resources as discussed in Chapter 4.0 of the Final Plan-EA. A request for concurrence was submitted to the Utah State Historic Preservation Office and an official concurrence letter was received on August 7, 2014 regarding project impact effect determinations.

9) The Dam Rehabilitation Alternative will not adversely affect endangered or threatened species, marine mammals, or critical habitat as discussed in Chapter 4.0 of the Final Plan-EA. USDA-NRCS has concluded that the repairs and modifications that have been proposed either have no effect on threatened and endangered species or will not likely adversely affect threatened and endangered species. A request for concurrence was submitted to the United States Fish and Wildlife Service, which has jurisdiction over these species. An official concurrence letter was received on August 12, 2015 regarding project impact effect determinations.
10) The proposed action does not violate Federal, State, or local law requirements imposed for protection of the environment as noted in Chapter 5.0 of the Final Plan-EA. The major laws identified with the selection of the Dam Rehabilitation Alternative include the Clean Water Act, Clean Air Act, Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, National Historic Preservation Act, Marine Mammal Protection Act, the Executive order on Environmental Justice, and Migratory Bird Treaty Act.

The Dam Rehabilitation Alternative is consistent with the requirements of these laws. Based on the information presented in the attached Final Plan-EA, I find in accordance with 40 CFR Section1508.13 that the selection of USDA-NRCS's Preferred Alternative (Dam Rehabilitation Alternative) is not a major Federal action significantly affecting the quality of the human environment requiring preparation of an EIS. Therefore, I have made the decision that a Finding of No Significant Impact is approved for the proposed action.

State Conservationist

5-4-16
Date

Attachment: Final Supplemental Watershed Plan No. 4 and Environmental Assessment for the Rehabilitation of Gypsum Wash Debris Basin